

IN RE: PETITIONS FOR SPECIAL HEARING,  
SPECIAL EXCEPTION & VARIANCE -  
W/S Rolling Road, 437' NW of the c/l  
Windsor Mill Road  
(2912-2914 N. Rolling Road)  
2<sup>nd</sup> Election District  
1<sup>st</sup> Council District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 02-384-SPHXA

Evangeline Richardson and  
Jewel Grunitzky, Owners/Petitioners

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

*This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject properties, Evangeline Richardson and her sister, Jewel Grunitzky, through their attorney, Leslie M. Pittler, Esquire. The Petitioners request a special exception to allow a Class B Group Child Care Center on the subject property, pursuant to Section 1B01.1.B.1.g.10a of the B.C.Z.R., and special hearing relief as follows: To confirm the variances approved in prior Case No. 98-78-XA have not expired; to confirm the single use of both properties for a child care center, and to establish that such use is not in conflict with Section 424.1.C of the Baltimore County Zoning Regulations (B.C.Z.R.), which prohibits child care centers adjacent to one another; and, to approve the existing one-story garage as a permitted accessory structure, pursuant to Section 400 of the B.C.Z.R. In addition, the Petitioners request variance relief as follows: From Section 424.1.B of the B.C.Z.R. to permit a 5-foot, chain link fence in lieu of the required solid wood stockade or panel fence; from Section 424.7B to permit a 10-foot perimeter vegetative buffer in lieu of the required 20 feet, and a rear property line setback of 10 feet in lieu of the required 50 feet for an existing garage; and, from Section 424.7.C to permit a front yard drop-off area for the property known as 2914 N. Rolling Road in lieu of the required side or rear yard. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.*

ORDER RECEIVED FOR FILING

Date

By

Appearing at the requisite public hearing in support of the request were Jewel Grunitzky and Evangeline Richardson Speights, property owners, Ms. Speights' husband, Raymond C. Speights, Donn E. Waddy, the consultant who prepared the site plan for this property, and Leslie M. Pittler, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

The subject Petitions relate to two adjacent properties, known as 2912 and 2914 North Rolling Road, respectively. The property known as 2914 North Rolling Road is owned by Ms. Richardson Speights and was the subject of prior proceedings before the undersigned Zoning Commissioner in Case No. 98-78-XA. In that matter, special exception relief was granted on November 7, 1997 for a Class B Group Child Care Center on the subject site. Additionally, a series of variances were granted relating to setbacks, buffer areas, and fencing, etc. Pursuant to Section 502.3 of the B.C.Z.R., a special exception must be utilized within 2 years from the date of the grant of such use, or it is forfeited. In this case, the special exception was not utilized and thus the instant Petition was filed to again obtain that approval.

The property known as 2914 Rolling Road is roughly square-shaped, and is located at the end of a long driveway situated within a narrow strip which is part of that lot. The property contains approximately 1.78 acres in area, zoned D.R.5.5, and is improved with a two-story colonial-style dwelling, a detached garage, and an in-ground swimming pool. The driveway and fee-simple strip which serves this property also serves the other property that is the subject of these Petitions, known as 2912 North Rolling Road. This property is located to the front of 2914 Rolling Road and both properties abut one another. The property known as 2912 Rolling Road is also zoned D.R.5.5 and contains over 2.0 acres in area. It is improved with a 1.5 story frame structure and a small storage building.

At the time the prior case was considered in 1997, the property known as 2912 Rolling Road was owned by John W. Klaus and Thomas E. Klaus. Apparently after the hearing, Ms. Richardson-Speights and Messrs. Klaus had a disagreement about the planned use of that property and litigation was instituted. Ultimately, the litigation was settled and as part of that settlement,

Messrs. Klaus sold the property to Ms. Speights' sister, Jewel Grunitzky, co-Petitioner in the instant case. Under Case No. 98-78-XA, Ms. Richardson proposed a Class B Child Care Center for a maximum of 42 children on the property known as 2914 Rolling Road. It was indicated that the age of the children would range from infancy to 5 years. The facility was planned to operate five days a week, Monday through Friday, from approximately 6:30 AM to 6:00 PM.

A similar, yet expanded proposal is offered in the instant case. In essence, the proposed day care operation will be conducted on both properties. Ms. Richardson will run both operations with assistance by her sister, Ms. Grunitzky. Day care will be provided for a maximum of 80 children on the site. In the building known as 2914 Rolling Road, all-day care will be provided for infants and children up to 5 years of age. In the other building, similar facilities will be provided; however, there will also be a before and after school care program for a maximum of 10 children. Thus, it is anticipated that up to 70 pre-school children will be provided all-day care and 10 school-age children will be provided before and after school care. This addition of before and after school care was provided to accommodate some of the neighbors who had requested such a service.

Further testimony and evidence was offered that Mrs. Richardson Speights will be licensed by the State of Maryland, upon obtaining the requisite zoning approval. The hours of operation will be generally consistent with that previously proposed, namely Monday through Friday from 6:30 AM to 6:30 PM. There will be 10 employees to monitor the children, not counting Ms. Richardson and Ms. Grunitzky. The details of the proposal were explained at the hearing and are consistent with the prior proceedings before me. It is to be noted that public utilities serve the site. Additionally, the site has the benefit of excellent access to Rolling Road through the 20-foot wide paved driveway described above. In this regard, that driveway serves only the two properties identified above so there will be no traffic impact on adjacent parcels. Apparently, this driveway has recently been widened to 20 feet in order to accommodate Department of Public Works' standards. Drop-off areas for both sites are also shown on the plan. These provide safe areas for parking and discharge of children away from North Rolling Road.

A group child care center is defined in Section 101 of the B.C.Z.R. as "A building or structure wherein care, protection and supervision are provided for part or all of the day, on a regular schedule, at least twice a week to at least 9 children, including children of the adult provider." A class B child care center is defined as "A group child care center wherein group child care is provided for more than 12 children."

Based upon the testimony and evidence presented, I am easily persuaded to grant the requested relief under the Petition for Special Exception. This is an ideal site for a group child care center, particularly from a traffic standpoint. The driveway, which serves only these two properties, will remove traffic from Rolling Road and provide a safe drop-off area. Additionally, the existing and proposed buffering around the site will screen the use. In this regard, the Petitioner submitted a plat initialed by a number of neighbors who support the proposal. The fact that there were no Protestants at the hearing is also of note. For all of these reasons, I find that the Petitioners have met the requirements of Section 502.1 of the B.C.Z.R. and that the use will not be detrimental to the health, safety or general welfare of the locale. Thus, the Petition for Special Exception shall be granted to allow a child care center on both properties.

Turning next to the Petition for Variance, I am persuaded that same should also be granted. The first request is for variance relief from Section 424.1.B of the B.C.Z.R. to allow a 5-foot high, chain link fence in lieu of the solid wood stockade or panel fence. There is an existing fence to the rear of 2914 Rolling Road, and the plan also shows a proposed fence on 2912 Rolling Road. It was indicated at the hearing that the chain link fence is proposed to provide a better means of security. That is, the children will be more visible to employees of the day care operation with a chain link fence. This is a persuasive factor which justifies the relief in this regard. The second variance requested is from Section 424.7.B of the B.C.Z.R. to permit a 10-foot vegetative buffer along the perimeter of the property. In this regard, the proposal shows a mix of existing and proposed landscaping which should adequately screen the use of the property. The character of the surrounding neighborhood also supports the variance requested in this regard. There is a mix of single family dwellings and undeveloped lots. I am persuaded that variance relief should also be

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Date

By

granted to allow a reduced buffer. The third variance relates to an existing one-story accessory structure (garage) located in the front/side yard, 10 feet from the side property line. The fact that the structure is existing supports this request. It is also to be noted that the adjacent property is undeveloped and there appears to be no adverse impact associated with the retention of this structure. It will be used for storage and accessory purposes incidental to the day care operation. The fourth and final variance relates to the drop-off area at 2914 Rolling Road. The proposed drop-off area is to the side of the building and there is a circular-type driveway proposed. This appears to provide the most appropriate means of access and promotes better traffic circulation. In sum, I find that the relief requested is appropriate and that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. In my judgment, the variances collectively contribute to the best use of this site for the day care facility.

Finally, consideration is also given to the Petition for Special Hearing. Among the relief sought therein is a finding that the previous variances granted in Case No. 98-78-XA remain valid. Unlike the Petition for Special Exception, there is no language within Section 307 of the B.C.Z.R. that variance relief not utilized will lapse. As a matter of law, the variances granted in the prior case remain in effect. However, I will grant confirmatory relief in this regard, in view of the fact that special exception relief is being granted again for 2914 Rolling Road.

Additionally, although unusual, the single use of both parcels and the fact that the uses are at separate addresses adjacent to one another should be permitted in this instance. Again, since both properties share a single driveway, the common use of both lots is appropriate. Obviously, this is a far better scenario than existed before when one lot was used residentially. The uses are entirely compatible with one another and their location abutting one another eliminates the potential adverse impact on either property. Finally, relief will be granted to allow the existing one-story garage building to be used as an accessory structure, pursuant to Section 400 of the B.C.Z.R. This building is located in the front and side yard of the property and apparently has been on the site for some time. In sum, the settlement of Ms. Richardson-Speights' litigation with Messrs. Klaus appears to have resulted in an appropriate plan for the use of these adjoining

properties. I find that the Petitioners have met the requirements of law and that special exception, special hearing and variance relief should be granted. The proposal has been well thought out and appears appropriate for these properties and neighborhood. The proposed use will obviously provide a needed service for residents of this working community. Moreover, there were no Protestants present and the Petitioners apparently have the support of many of their neighbors.

Pursuant to the advertisement, posting of the properties and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of May, 2002 that the Petition for Special Exception to permit a Class B Group Child Care Center on the subject property, pursuant to Section 1B01.1.B.1.g.10a of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to confirm the validity of the previously approved variances in prior Case No. 98-78-XA; to confirm the single use of both properties; to establish that the proposed use of the properties is not in conflict with Section 424.1.C of the Baltimore County Zoning Regulations (B.C.Z.R.); and, to approve the existing one-story garage as a permitted accessory structure, pursuant to Section 400 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 424.1.B of the B.C.Z.R. to permit a 5-foot, chain link fence in lieu of the required solid wood stockade or panel fence; from Section 424.7.B of the B.C.Z.R. to permit a 10-foot perimeter vegetative buffer in lieu of the required 20 feet, and a rear property line setback of 10 feet in lieu of the required 50 feet for an existing garage; and, from Section 424.7.C of the B.C.Z.R. to permit a front yard drop-off area for the property known as 2914 N. Rolling Road, in lieu of the required side or rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

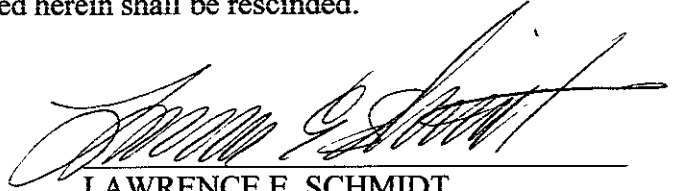
- 1) The Petitioners may apply for their use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that

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Date 5/9/02

By [Signature]

proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 5/9/02  
By Pop



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

May 9, 2002

Leslie M. Pittler, Esquire  
29 W. Susquehanna Avenue, Suite 610  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE  
W/S Rolling Road, 437' NW of the c/l Windsor Mill Road  
(2912-2914 N. Rolling Road)  
2<sup>nd</sup> Election District – 1<sup>st</sup> Council District  
Evangeline Richardson (Speights) and Jewel Grunitzky - Petitioners  
Case No. 02-384-SPHXA

Dear Mr. Pittler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Raymond C. Speights  
1944 Woodshade Court, Mitchellville, Md. 20721  
Ms. Jewel Grunitzky, 4237 Nadine Drive, Baltimore, Md. 21215  
Mr. Donn Waddy, 4215 Colonial Road, Pikesville, Md. 21208  
People's Counsel; Case/File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2912-2914 N. ROLLING Rd.  
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

TO CONFIRM PREVIOUS VARIANCES APPROVED IN CASE NO 98-78 XA  
TO CONFIRM SINGLE USE OF BOTH PARCELS  
TO ESTABLISH THAT PETITIONER IS NOT IN CONFLICT WITH HAVING  
ONE CHILDCARE CENTER ADJACENT TO ANOTHER PURSUANT TO  
BCZR 424.1C  
THE 1-STORY GARAGE IS PERMITTED AS AN ACCESSORY  
STRUCTURE PURSUANT TO BCZR SEC. 400

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Name - Type or Print

Signature

## Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Representative to be Contacted:

Name

Address

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 3/12/02

Case No. 02 384 SPHXA

Date 3/9/02

By [Signature]

ORDER RECEIVED FOR FILING  
2002/03/09/02  
Date  
By

Company  
Address  
Telephone No.  
City  
State  
Zip Code  
W. Busquehanna Ave. Ste 610 410-823-4455  
Towson Md 21204

Name  
Address  
City  
State  
Zip Code  
1944 Woodshade CT 301-340-3008  
Mitchellville, Md 20721



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2912-2914 N. ROLLING RD.  
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SPECIAL EXCEPTION TO ALLOW A CLASS "B" GROUP CHILD CARE CENTER (SECTION 1B 01.1B.1.g10a)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Leslie M. P. Hler  
Name - Type or Print

Leslie M. P. Hler  
Signature

Company

W. Susquehanna Ave. Ste. 610  
Address

410-823 4455  
Telephone No.

10101  
City

MD  
State

21204  
Zip Code

## Legal Owner(s):

EVANGELINE RICHARDSON  
Name - Type or Print

Evangeline Richardson  
Signature

JEWEL GRUNWITZKY  
Name - Type or Print

Jewel Grunwitsky  
Signature

4237 Madeline Ave 410-358-2167  
Address Telephone No.

Baltimore Md. 21215  
City State Zip Code

## Representative to be Contacted:

EVANGELINE RICHARDSON  
Name

1944 Woodshade CT 301340-  
Address Telephone No.

WOODSHADE MD 20721-3008  
City State Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR.

UNAVAILABLE FOR HEARING

Reviewed By JL Date 3/12/02

Case No. 02 384 SPHXA

REC 09/15/98

ORDER RECEIVED FOR FILING

Date 3/19/02

By [Signature]



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2912-2914 N. ROLLING Rd

which is presently zoned DR5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) :

424.1B - VARIANCE FOR 5 FT CHAIN LINK FENCE IN LIEU OF SOLID WOOD STOCKADE OR PANEL

424.7B - VARIANCE FOR 10 FT. PERIMETER VEGETATIVE BUFFER INSTEAD OF STATED 20 FT.

VARIANCE FOR 10 FT REAR SETBACK FOR GARAGE STRUCTURE IN LIEU OF 50 FT

FROM PROPERTY LINE REQUIREMENT.

424.7C VARIANCE FOR FRONT YARD DROP-OFF AREA FOR BLDG B (2914 N. ROLLING)

IN LIEU OF SIDE OR REAR YARD.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

*Site Constraints and other reasons to be set forth at the hearing.*

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Reviewed By JL

Date 3/12/02

ORDER RECEIVED FOR FILING

Date

By 9/15/98

Case No. 02 384 SPXA

W. Susquehanna Ave Ste. 610 410 823-4455

Towson Md 21204

384

ZONING DESCRIPTION

Abbreviation of Metes and Bounds Description for No. 2912 & 2914 North Rolling Road  
Baltimore County Maryland Liber 14558 folio 314. Saving and Excepting Liber 2282 folio 543.

Beginning on the west side of Rolling Road 60 feet wide approximately 437 feet <sup>NW of the</sup> from  
of Windsor Boulevard <sup>A 70 feet R/W</sup> and running thence binding on the west side of Rolling Road 1) N 00° 57' W  
55.3 feet thence leaving Rolling Road and binding on the outline of 14558/314, 2) N 57° 44' W  
308.0 feet, 3) N 00° 57' W 170.00 feet, 4) N 57° 44' W 39.25 feet, 5) N 01° 00' W 82.42 feet 6)  
N 57° 44' W 522.3 feet, 7) S 31° 45' W 256.5 feet 8) S 57° 41' E 1036.1 feet to the place of  
beginning.

Containing 177045.114 square feet or 4.06 acre of land more or less.

All courses and distances in the above description are based on those given in 14558/314.

The above description was prepared by Leslie Curtis Hopkins a Maryland Registered  
Property Line Surveyor #274, and is based solely on Land Records and is not the product of a  
Survey. Not intended for recordation in Land Records.



BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

384 No. 11210

DATE 2/12/02 ACCOUNT 01 006 6150

AMOUNT \$ 650.00

RECEIVED  
FROM:

Edna J. Lawrence

FOR:

SP4XA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

DATE

TIME

BY

INITIALS

SIGNATURE

DATE

TIME

BY

INITIALS

SIGNATURE

DATE

# NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-384-SPHXA  
2912-2914 N Rolling Road  
W/S of Rolling Road, 437' NW of Windsor Blvd.  
2nd Election District - 1st Councilmanic District  
Legal Owner(s): Evangeline Richardson & Jewel Grunitzky

**Special Exception:** to allow a class "B" group child care center  
**Special Hearing:** to confirm previous variances approved in case 98-78-A; to confirm single use of both parcels, to establish that petitioner is not in conflict with having one child care center adjacent to another, the 1-story garage is permitted as an accessory structure. **Vari-**  
**ances:** for 5 feet chain link fence in lieu of solid wood stockade or panel, a variance for 10 foot perimeter negative buffer instead of stated 20 foot, a variance for 10 foot rear setback for garage structure in lieu of 50 foot from property line requirement, variance for front yard drop-off area for building B in lieu of side or rear yard.  
**Hearing: Monday, May 6, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bostey Avenue.**

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/21/9 April 18 C532584

## CERTIFICATE OF PUBLICATION

4/18/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/18/2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: 02-384-SPHXA

Petitioner/Developer: \_\_\_\_\_

Evangeline Richardson-Speights

Date of Hearing/Closing: 5-6-02

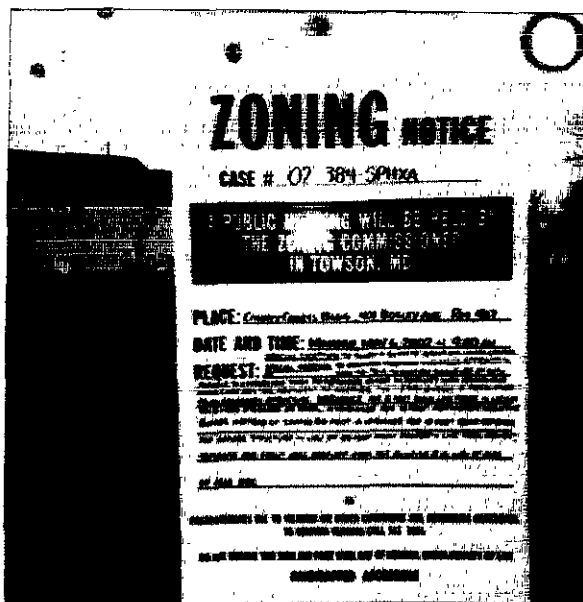
Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at 2912-2914 N. Rolling Rd.  
Windsor Mill, MD 21244

The sign(s) were posted on April 18, 2002  
(Month, Day, Year)



Sincerely,

Stacy Gardner 4-18-02  
(Signature of Sign Poster and Date)

Stacy Gardner  
(Printed Name)

**SHANNON-BAUM SIGNS INC.**  
**105 COMPETITIVE GOALS DR.**  
**ELDERSBURG, MD. 21784**

(City, State, Zip Code)

410-781

(Telephone Number)

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR SPECIAL EXCEPTION  
PETITION FOR VARIANCE

2912-2914 N. Rolling Road, W/S Rolling Rd,  
437' NW of Windsor Blvd  
2nd Election District, 1st Councilmanic

Legal Owner: Evangeline Richardson & Jewel Grunitzky  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 02-384-SPHXA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



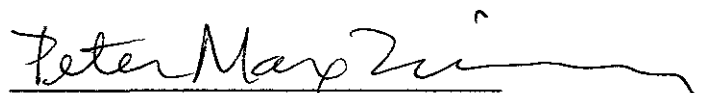
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 27<sup>th</sup> day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esq., 29 W. Susquehanna Avenue, Suite 610, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



TO: PATUXENT PUBLISHING COMPANY  
Thursday, April 18, 2002 Issue – Jeffersonian

Please forward billing to:

Ms Evangeline Richardson  
1944 Woodshade Court  
Mitchellville MD 20721

301 390-3008

---

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-384-SPHXA  
2912-2914 N Rolling Road  
W/S of Rolling Road, 437' NW of Windsor Blvd  
2<sup>nd</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owner: Evangeline Richardson & Jewel Grunitzky

Special Exception to allow a class "B" group child care center. Special Hearing to confirm previous variances approved in case 98-78-A, to confirm single use of both parcels, to establish that petitioner is not in conflict with having one child care center adjacent to another, the 1-story garage is permitted as an accessory structure. Variance for 5 feet chain link fence in lieu of solid wood stockade or panel, a variance for 10 foot perimeter negative buffer instead of stated 20 foot, a variance for 10 foot rear setback for garage structure in lieu of 50 foot from property line requirement, variance for front yard drop-off area for building B in lieu of side or rear yard.

HEARING: Monday, May 6, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDD  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Director's Office  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
410-887-3353  
Fax: 410-887-5708

March 29, 2002

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-384-SPHXA  
2912-2914 N Rolling Road  
W/S of Rolling Road, 437' NW of Windsor Blvd  
2<sup>nd</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owner: Evangeline Richardson & Jewel Grunitzky

Special Exception to allow a class "B" group child care center. Special Hearing to confirm previous variances approved in case 98-78-A, to confirm single use of both parcels, to establish that petitioner is not in conflict with having one child care center adjacent to another, the 1-story garage is permitted as an accessory structure. Variance for 5 feet chain link fence in lieu of solid wood stockade or panel, a variance for 10 foot perimeter negative buffer instead of stated 20 foot, a variance for 10 foot rear setback for garage structure in lieu of 50 foot from property line requirement, variance for front yard drop-off area for building B in lieu of side or rear yard.

HEARING: Monday, May 6, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon GDD  
Director

C: Mr. Leslie M. Pittler, 29 W Susquehanna Avenue, Suite 610, Towson 21204  
Ms. Evangeline Richardson & Ms. Jewel Grunitzky, 4237 Nadine Drive, Baltimore 21215  
Ms. Evangeline Richardson, 1944 Woodshade Court, Mitchellville 20721

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 20, 2002.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

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#### For Newspaper Advertising:

Item Number or Case Number 02 384 SPHXA.  
Petitioner Richardson & Bruntzky  
Address or Location 2912 & 2914 N. Rolling Road 21244

PLEASE FORWARD ADVERTISING BILL TO

Name Evangelina Richardson  
Address 1944 Woodshade CT  
Mitchellville, Md. 20721  
Telephone Number 301 390-3008



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

May 3, 2002

Leslie M. Pittler, Esquire  
29 W. Susquehanna Avenue  
Suite 610  
Towson, MD 21204

Dear Mr. Pittler:

RE: Case Number: 02-384-SPH XA, 2912, 2914 N. Rolling Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 3/12/02.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:rjc

Enclosures

C: Jewel Grunitzky, 4237 Nadine Dr. Baltimore 21215  
Evangeline Richardson 1944 Woodshade Ct. Mitchellville 20721  
People's Counsel

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





Baltimore County  
Fire Department  
Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 25, 2002

Item No.: 384

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File  
COUNTY REVIEW GROUP MEETING{PRIVATE }

### County Review Group comments

1. The fire marshal's office has no comments at this time.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS* *1767*

MAY 6

DATE: April 30, 2002

Zoning Advisory Committee Meeting of March 25, 2002

**SUBJECT:** NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

378, 379, 380, 383, 384, 385, 386, 387, 389, 390, 392, 395, 396, 397, 399

**BALTIMORE COUNTY, MARYLAND**

Inter-Office Correspondence

**TO:** Jun Fernando  
Zoning Review Division  
Department of Permits and Development Management

**DATE:** April 12, 2004

**FROM:** Lawrence E. Schmidt  
Zoning Commissioner



**SUBJECT:** PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE  
(2912 – 2914 N. Rolling Road)  
Evangeline Richardson & Jewel Grunitzky - Petitioners  
Case No. 02-384-SPHXA

In response to your recent inquiry concerning a request for a "spirit and intent letter" in the above-captioned matter, the following comments are offered. I have reviewed the contents of attorney Leslie M. Pittler's letter, dated March 23, 2004, and although in similar circumstances I would be inclined to require an additional public hearing, I do not believe that a new hearing is required in this case for the following reasons:

- 1) The Petition for Special Exception filed in the above-captioned matter requested approval of a Class B Group Child Care center at the subject location and did not limit the number of children proposed. A Class B Group Child Care Center is defined as any group child care center for more than 12 children. Thus, the prior hearing was not advertised or conducted with any limitation in mind.
- 2) The Order issued by me on May 9, 2002 does reference the fact that testimony was offered at the hearing indicating that a maximum number of 80 children was proposed. My Order further indicates that there were no interested persons/Protestants who attended the hearing. Thus, no one in the community relied upon that representation. As noted above, the sign advertising the hearing did not set out any limitation insofar as the number of children proposed.
- 3) You indicated that the Zoning Review Division of DPDM has reviewed the plan submitted by Mr. Pittler and that the changes shown thereon are in full compliance with the relevant provisions of the B.C.Z.R. and do not generate any need for zoning relief. Additionally, the property is large enough to accommodate the increased number of children, pursuant to the area requirements for a group child care center under the B.C.Z.R. For so long as no additional variance relief is required and the new plan is in compliance with all relevant standards and requirements, I find that there is no need for an additional public hearing.
- 4) You also pointed out that the plan needed certain technical corrections. For example, the plan still indicates 80 children as the potential maximum number to be served at this facility. The plan should be revised to accurately reflect the proposal and to insure compliance with the B.C.Z.R. Thus, in response to Mr. Pittler's letter, the request should be made that an accurate plan be submitted.

Please do not hesitate to contact me should you have any further questions on the subject.

cc: File

AP  
5/6

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** April 5, 2002

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

APR 5

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 02-384**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

**Prepared by:** Mark A. Cunningham

**Section Chief:** Jeffrey W. Long  
AFK/LL:MAC





**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 3.26.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 384 JL

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1- Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**Department of Permits &  
Development Management**

Development Processing  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204



**Baltimore County**

*James T. Smith, Jr., County Executive  
Timothy M. Kotroco, Director*

April 5, 2005

Evangeline Speights et al

Dear Ms. Speights:

RE: Spirit and Intent Letter  
Hearing Case Number 02-384-SPHXA  
2912 & 2914 Rolling Road  
2<sup>nd</sup> Election District

Your letter dated March 24, 2005 has been referred to me for reply. The site plan accompanying your letter does not reflect the plan changes submitted for "spirit and Intent" consideration delivered to this office in March of 2003. The redlined revised plan was reviewed and commented upon by Mr. Lawrence Schmidt, Zoning Commissioner for Baltimore County on April 29, 2004. Enclosed with this letter is a copy of said plan.

The use of the property is as permitted and restricted by zoning case 02-384-SPHXA and as further refined by the "spirit and Intent" determination explained in a letter from Mr. Fernando to Mr. Pittler dated April 29, 2004. As determined by Baltimore County at that time, the expansion of the Class B Group Child Care Center as shown on the revised red-lined plan is considered to be within the "Spirit and Intent" of the decision and order in the above referenced zoning case. Further the addition of 15 children to the existing Class B Group Child Care Center for a total of 95 children is also permitted.

Please be aware that any addition or change of use to include schools may require a Petition for Special Hearing before the Zoning Commissioner for Baltimore County as stated on the included copy of the said revised red-lined plan.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley", is written over a horizontal line.

Lloyd T. Moxley  
Planner II  
Zoning Review

LTM

Enclosure

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



**Department of Permits  
Development Management**

Development Processing  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204



**Baltimore County**

*James T. Smith, Jr., County Executive  
Timothy M. Kotroco, Director*

April 20, 2005

Evangeline Speights et al

Dear Ms. Speights:

RE: Spirit and Intent Letter  
Hearing Case Number 02-384-SPHXA  
2912 & 2914 Rolling Road  
2<sup>nd</sup> Election District

Your letter dated March 24, 2005 has been referred to me for reply. After careful review of the materials included with the letter and the zoning records for this property the following has been determined.

The establishment of a *non-public kindergarten* for as many as 15 children as an accessory use to the principal use of the property as a Class B Group Child Care Center is considered to be **within** the "spirit and intent" of the decision and order rendered in the above referenced zoning case and is therefore permitted at this location. Any increase in the extent of the accessory kindergarten use will require further zoning review.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley".

Lloyd T. Moxley  
Planner II  
Zoning Review

LTM

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



**Department of Permits and  
Development Management**

Development Processing  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204



**Baltimore County**

*James T. Smith, Jr., County Executive*  
*Timothy M. Kotroco, Director*

April 29, 2004

Leslie M. Pittler P.A.  
25 Wandsworth Bridge Way  
Lutherville, Maryland 21093

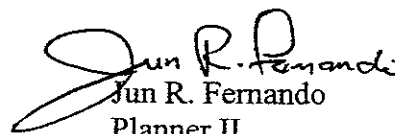
RE: Spirit and Intent Letter  
Hearing Case # 02-384-SPHXA  
2912 & 2914 Rolling Road  
2<sup>nd</sup> Election District

Dear Mr. Pittler,

Please be advised that after careful review of your site plan, the Department of Permits and Development Management, Zoning Review Section, has determined that the proposed expansion (25'x30.1') and the proposed macadam parking area does meet the spirit and intent of the Baltimore County Zoning Regulations, based on the Zoning Commissioner's letter (see attached letter), there is no need to have a Special Hearing for this expansion, however, any additional use will require petition for Special Hearing as shown on the plan signed by the Zoning Commissioner.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

  
Jun R. Fernando  
Planner II  
Zoning Review

JRF/clb

Enclosure

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)

Leslie M Pittler P.A.

*Attorney at Law*

Suite 610

29 West Susquehanna Ave

Towson, Maryland 21204

Telephone: 410-823-4455

Fax: 410-583-7611

GEORGE:

Commissioner Schmidt has asked that the following special Exception, Variance and Special Hearing be set in before him. He heard the original case in 1997.

The case is : Item Number 02384 SPHXA

2912- 2914 N. ROLLING ROAD



Les Pittler

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND VARIANCE  
W/S Rolling Rod, 747' from c/l \* ZONING COMMISSIONER  
Rolling Road, along private road  
2914 N. Rolling Road \* OF BALTIMORE COUNTY  
2nd Election District  
1st Councilmanic District \* Case No. 98-78-XA  
Evangeline Richardson, Petitioner

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Exception and Variance for the property located at 2914 N. Rolling Road in the Hebbville community of Baltimore County. The Petitions were filed by Evangeline Richardson, property owner. Special exception relief is requested to allow a Class B Group Child Care Center on the subject site pursuant to Section 1B01.1.B.1.g.10a. of the Baltimore County Zoning Regulations (BCZR). A series of variances are requested from Sections 424.1.B and 424.7B of the BCZR; to allow a 5 ft. chain link fence in lieu of the solid wood stockade or panel fence and to allow a 45 ft. side yard setback, in lieu of the required 50 ft. Other variance relief, pursuant to those sections, is to allow a 5 ft. vegetative buffer on the side yard, and a 15 ft. vegetative buffer on the opposite side yard, and a 10 ft. vegetative buffer in the rear yard, all in lieu of the required 20 ft., respectively. The subject property and all of the requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Exception and Variance.

Appearing at the public hearing held for this case was Evangeline Richardson, property owner/Petitioner. Also present was Donn Waddy, a Senior Consultant with DEW Design, Architects. Mr. Waddy's firm prepared the site plan. Appearing as interested persons were John W. Klaus and Thomas E. Klaus, adjacent property owners.

Date

By

11/7/97  
M. Waddy

Ms. Richardson testified and presented the site plan. The subject property is approximately 1.8 acres in area, zoned D.R.5.5. The property is located in the Hebbville community of Baltimore County and vehicular access to same is by way of Rolling Road. This rectangularly shaped lot is located at the end of a long driveway situated within a narrow strip which is also owned by the Petitioner. The driveway serves not only the subject property, but also the property owned by Messrs. Klaus. The location of the driveway and the means of access are more particularly shown on the site plan. The driveway is approximately 1/8th of a mile in length.

Ms. Richardson purchased the property in December of 1996. Presently, the property is improved with a two story colonial dwelling type structure, which is vacant. The property also features a detached garage and existing in-ground swimming pool. The Petitioner proposes to operate a Class B child day care center on the premises. A Class B child care center is defined within the BCZR (Section 101) as, "A Group child care center wherein group child care is provided for more than 12 children." A Group Child Care Center is defined as "A building or structure wherein care, protection and supervision is provided for part or all of the day, on a regular schedule, at least twice a week to at least 9 children, including children of the adult provider." Child Care Centers are regulated within Section 424 of the BCZR.

Ms. Richardson indicated that the facility would house a maximum of 42 children. The ages would range from infants to 5 year olds. There will be no kindergarten operated from this site, nor will there be any before or after school care. Rather, it is envisioned that the parents will drop their children off at the site no earlier than 6:30 A.M., and after the conclusion of the work day, the children will be picked up by 6:00 P.M. The facility will operate Monday through Friday, but not during weekends.

It is envisioned that there will be up to a 12 person staff to operate the facility, depending on the amount of children enrolled. Offices for the operation will be on the second floor of the structure. An outdoor play area is also shown on the site plan. Additionally, there will be three different parking areas. Employee parking will be to the rear of the dwelling, near the detached garage. It is envisioned that parents will temporarily park adjacent to the front of the structure, in order to drop off and pick up children.

Mr. Waddy also offered testimony regarding the relief requested. He described the improvements on the property and the site plan. His complete testimony is contained within the record of the case.

Testimony was also received from John and Thomas Klaus, who reside immediately adjacent to the property. They did not object to the proposed use. Their major concerns surround the use of the driveway by parents of the children and also their potential ability to tie into a sewer line which is being extended to accommodate the proposed use. In addition to the testimony and evidence offered during the hearing, a rather lengthy comment from received from the Office of Planning.

As to the Petition for Special Exception, the Office of Planning opines that the subject property is ". . . an appropriate use at this location." I agree. In my judgment, the Petition for Special Exception should be granted for this use. I believe that the proposed use will not be detrimental to the health, safety or general welfare of the locale and, otherwise, complies with the standards set forth in Section 502.1 of the BCZR for special exception relief. The property is of an appropriate size to handle the proposed use. Moreover, the use appears to be compatible with the neighborhood. However, the center will be restricted to 42 chil-



dren maximum. This number is in compliance with the bulk standards for group child care centers in D.R. zones, pursuant to Section 424.7.

As to the variances, they will also be granted. However, relief will be conditioned to ensure that there is no adverse impact on the surrounding properties. A 15 ft. vegetative buffer is requested for the side property line, which bounds the subject property to the Trinity Geriatric Nursing Home. This 15 ft. buffer is sufficient, in view of the location of the existing improvements on the site and the adjacent nursing home use.

As to the 10 ft. proposed vegetative buffer in the rear yard, same also appears to be appropriate. In this regard, the building to be used for the child care use is setback 133 ft. from the rear property line, a distance which appears sufficient so that the impacts of the proposed use will not be felt on that adjacent property owner.

As to the 5 ft. vegetative buffer on the other side yard, same is warranted due to the location of the existing driveway and the 237 ft. distance between that property line and the Klaus dwelling. Thus, these reduced setbacks for the side and rear yards to the vegetative buffer requirements shall be approved.

Side yard setback relief is also requested to allow a setback of 45 ft. for a building, in lieu of the required 50 ft. This is an existing condition and not the result of any proposed construction or improvements. The deficient setback is from the side of the house to the Klaus property line. Again, it is to be noted that the Klaus dwelling sits 237 ft. from this property line. For this reason, this variance shall be granted.

The final variance requested relates to the proposed fencing, which will surround the perimeter of the play area. The play area occupies the side and rear yards immediately next to the existing building. Ms. Richardson testified that she proposed a chain link fence to increase visibility

from the house so that better security can be maintained over the children. She indicated that the perimeter of the playground was entirely within the confines of the lot; that is, the chain link fence will not be located on any property line but within the confines of the property. She believes that the need to be able to keep visual contact with the children from inside the structure is more of an appropriate concern than the need for privacy, which would be accomplished by the solid wood or stockade panel. I agree. Thus, the variance to allow the chain link fence shall be approved.

Notwithstanding the grant of these variances, however, the following restrictions shall be imposed. First, it is to be noted that a new housing development is under construction within an adjacent property, along a proposed road known as Haystack Drive. As shown on the site plan, there will be single family dwellings with their back yards adjacent to the front yard of the proposed day care facility. In order to protect the privacy of these neighbors, I shall require a sufficiently dense landscape screen along the front portion of the subject property. In this regard, the Petitioner shall be required to submit a plan to the County's Landscape Architect, Avery Harden, for review and approval. Mr. Harden shall not be obligated to strictly adhere to the requirements of the Landscape Manual but shall substitute his judgment to ensure that a sufficient amount of landscaping shall be installed to screen the houses in this new development from the proposed use. Second, attention should be given to the side property line abutting the Klaus property. Although variances are granted from the vegetative buffer and setback requirements, there should be additional screening within that area to buffer the proposed use from not only the Klaus residence but the houses further down Haystack Drive towards Rolling Road.

In addition to these landscaping requirements, improvements to the driveway were also discussed at the hearing. In this regard, it was proposed that the driveway be widened, at least, at two locations to provide pull off areas to accommodate traffic. Testimony and evidence was offered that the driveway, itself, could be widened along its entire stretch, however, the Petitioner and Messrs. Klaus believe that pull off areas are more appropriate, in view of drainage problems in the area. Thus, the Petitioner shall submit an amended plan to the Development Plans Review Division (Robert Bowling) to ensure that adequate means of vehicular access is provided. I hereby direct that the driveway be improved in a manner consistent with the comments herein and acceptable to Mr. Bowling.

Lastly, a restriction shall be added to permit Messrs. Klaus to access, at their expense, the proposed new sewer line, if they desire to do so. In this regard, the plan shows the new line to be constructed in the bed of the existing driveway. To the extent that the Petitioner's permission would be required to allow a connection to the Klaus property, same shall be considered given as a condition precedent to the grant of the relief herein.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

11/7/97  
M. H. H. H.  
16/11/11  
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 7<sup>th</sup> day of November 1997 that, pursuant to the Petition for Special Exception, approval for a Class B Group Child Care Center on the subject site pursuant to Section 1B01.1.B.1.g.10a. of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 424.1.B and 424.7B of the BCZR to allow a 5 ft. chain link fence in lieu of the solid wood

stockade or panel fence and to allow a 45 ft. side yard setback, in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to allow a 5 ft. vegetative buffer on the side yard, and a 15 ft. vegetative buffer on the opposite side yard, and a 10 ft. vegetative buffer in the rear yard, all in lieu of the required 20 ft., respectively, be and is hereby GRANTED, subject, however, to the following restrictions:

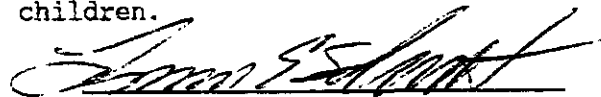
1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall be required to submit a plan to the County's Landscape Architect, Avery Harden, for review and approval, consistent with the comments hereinabove.

3. The Petitioner shall submit an amended plan to the Development Plans Review Division (Robert Bowling) to ensure that adequate means of vehicular access is provided for pull off areas, as provided hereinabove.

4. The adjacent property owners shall be allowed to access, at their expense, the proposed new sewer line, if they desire to do so, consistent with the comments hereinabove.

5. The child care center shall be limited to a maximum enrollment of 42 children.

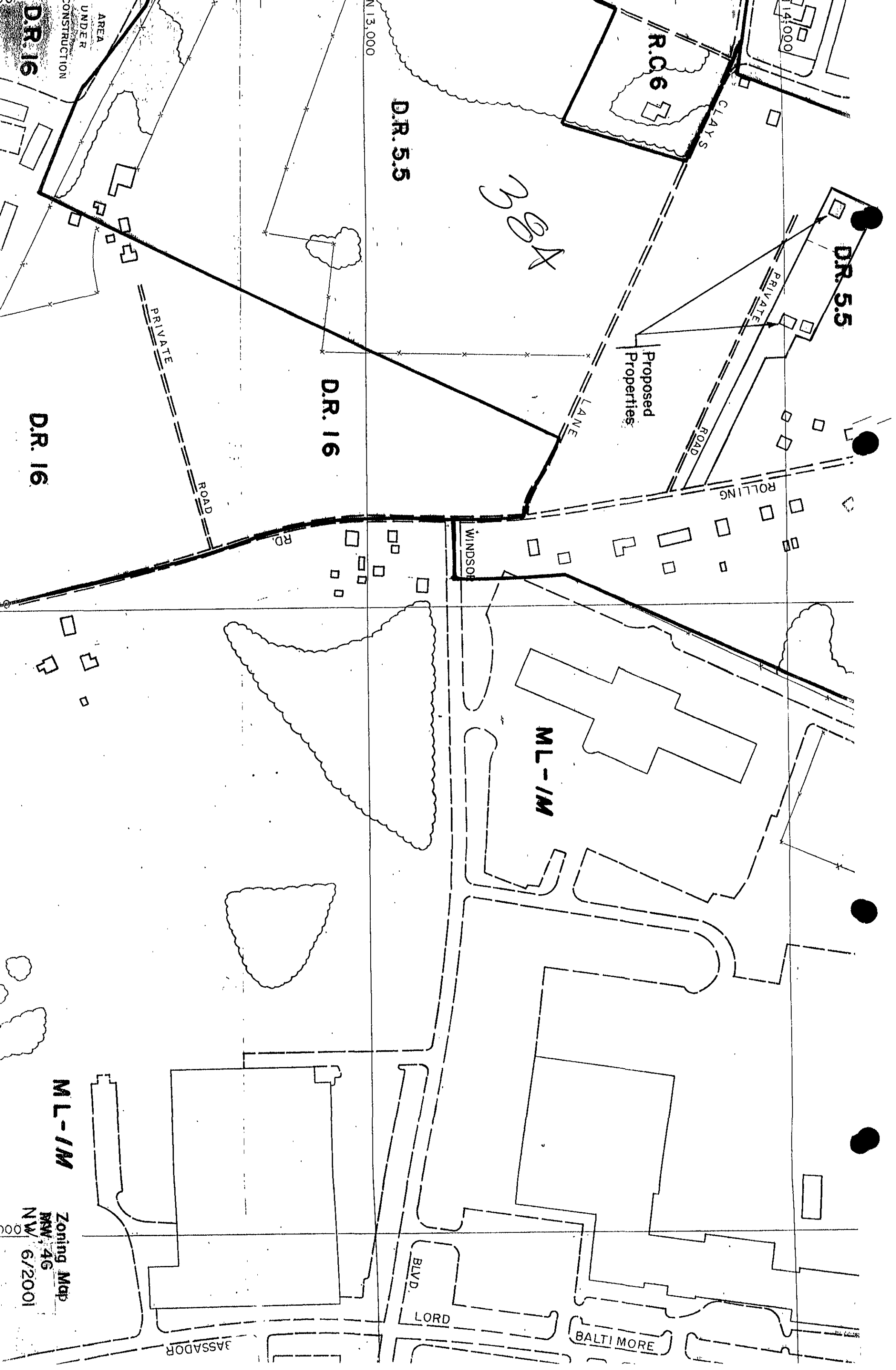


LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmn

**PETITIONER(S) SIGN-IN SHEET**

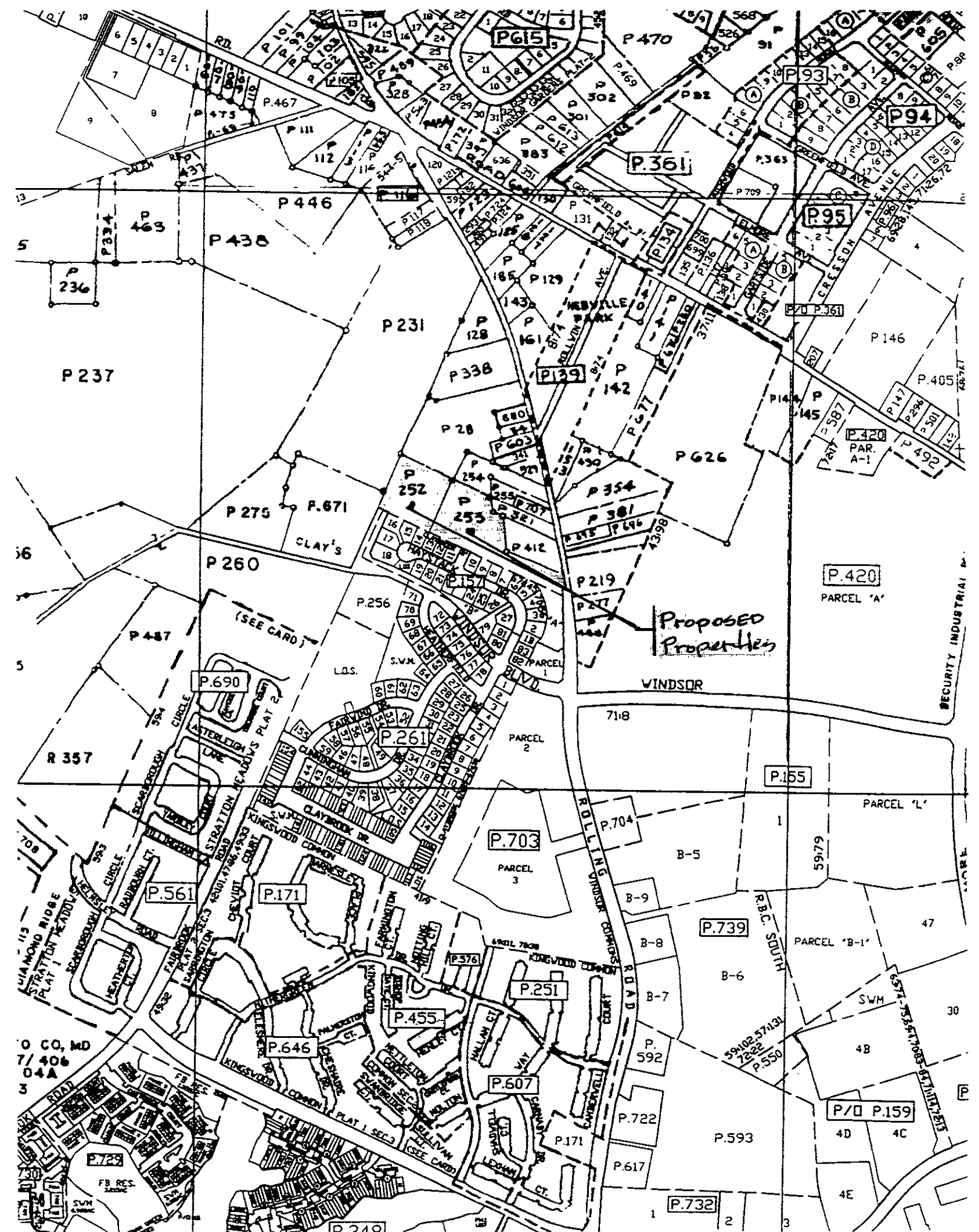
ADDRESS  
1944 Woodshade Ct, Mitch Md.  
4237 Nadine Drive Beto. md 2115  
pts. 1944 Woodshade Ct. 20721  
4215 Colonial Rd. P. Keesville, 21208



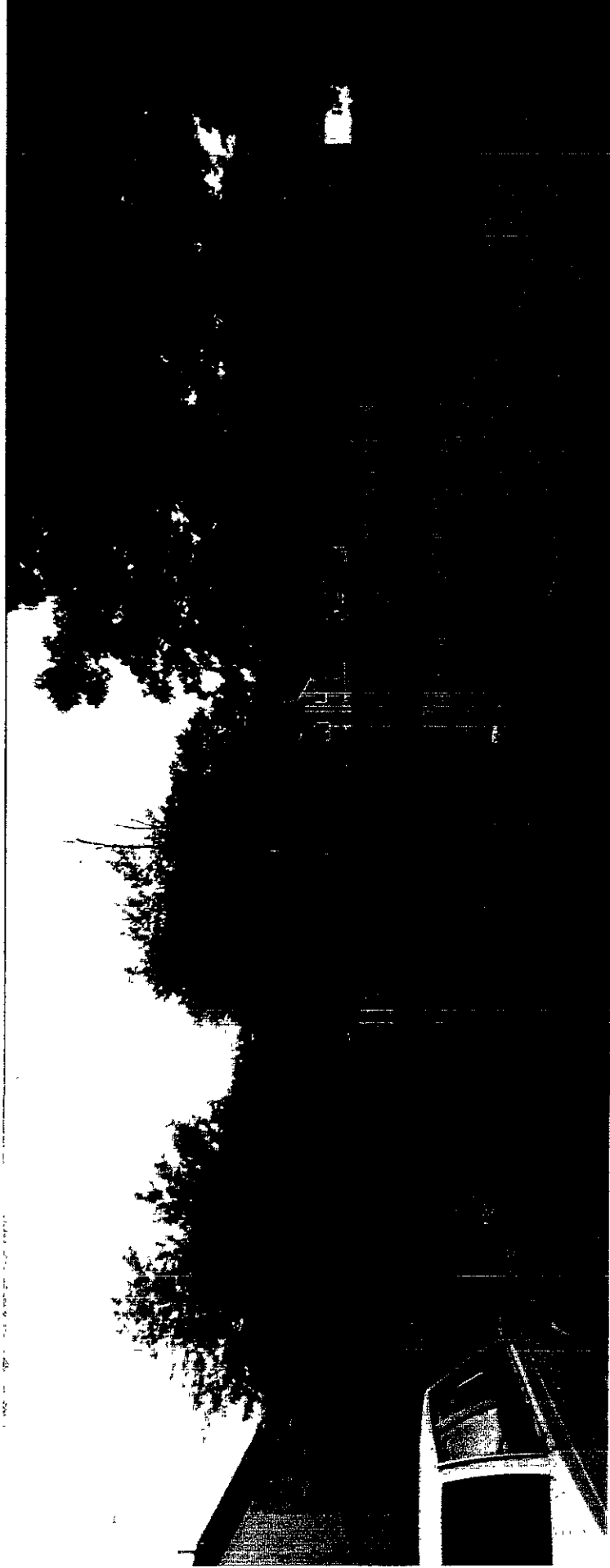
***The Building Block  
Academy***

***Child Development  
Center***

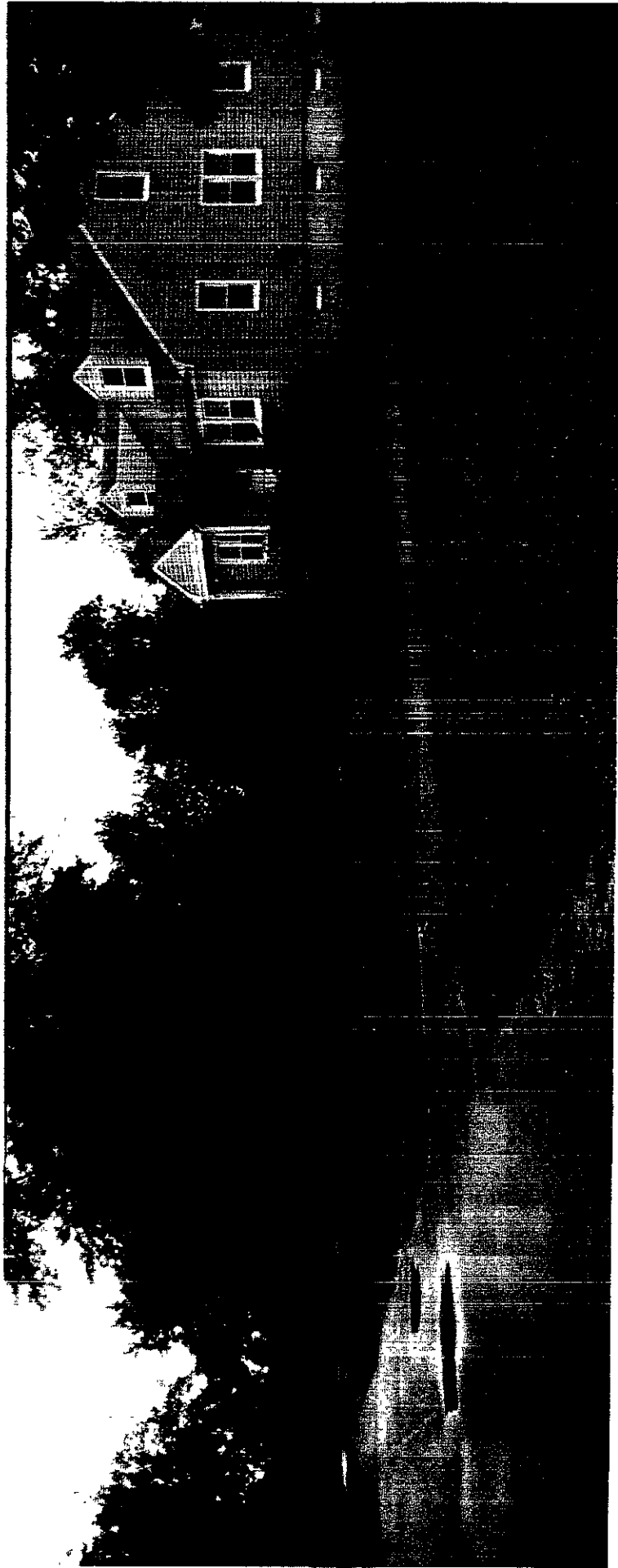
*Cell No 3*







PRIVATE ROAD LOOKING IN



**PROPERTY KNOWN AS  
2912 NORTH ROLLING ROAD**

M.D.A.T. REAL PROPERTY SYSTEM  
BALTIMORE COUNTY

06/14/2001

OWNER INFORMATION

DISTRICT: 02 ACCT NO: 0211470150

USE: RESIDENTIAL

OWNER NAME: GRUNITZKY JEWEL Y

PRINCIPAL  
RESIDENCE  
YES

MAILING ADDRESS: 2912 N ROLLING RD  
BALTIMORE

MD 21244-2018

TRANSFERRED  
FROM: KLAUS MILDRED D

DATE: 06/28/2000 PRICE: \$136,000

DEED REFERENCE: 1) /14558/ 314  
2)

SPECIAL TAX RECAPTURE

\* NONE \*

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO  
<F6> SELECT NEXT PROPERTY

M.D.A.T. REAL PROPERTY SYSTEM  
BALTIMORE COUNTY

06/14/2001

LOCATION INFORMATION

DISTRICT: 02 ACCT NO: 0211470150  
NAME: GRUNITZKY JEWEL Y

USE: RESIDENTIAL

PREMISES ADDRESS  
2912 N ROLLING RD

ZONING LEGAL DESCRIPTION  
2.2 AC WS ROLLING RD  
2912 N ROLLING RD  
2640 S OF WINDSOR MILL R

MAP GRID PARCEL SUBDIV SECT BLOCK LOT GROUP  
87 11 253 80

PLAT NO :  
PLAT REF:

SPECIAL TAX AREAS -

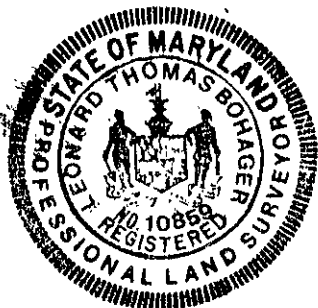
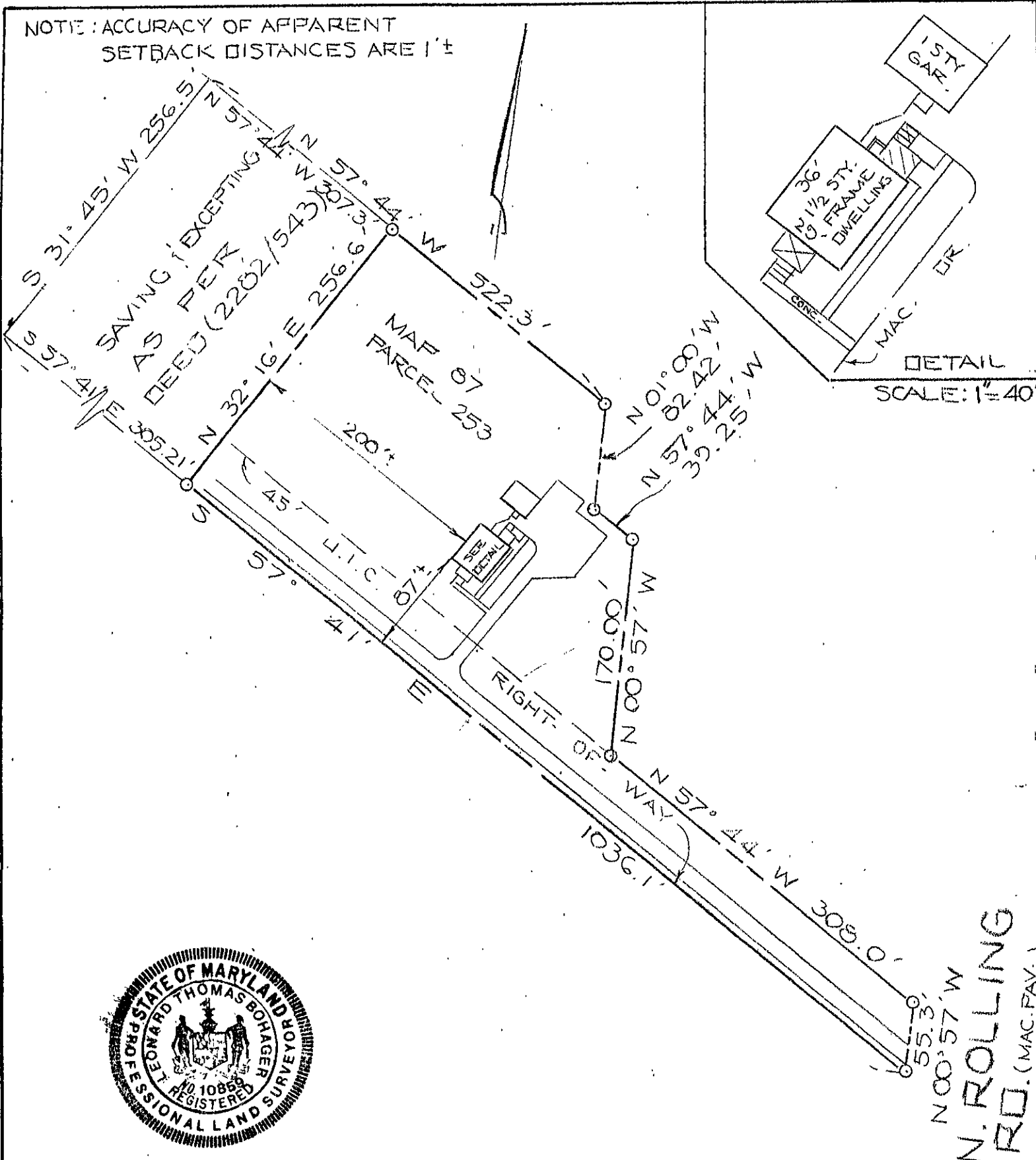
PRIMARY STRUCTURE DATA  
YEAR BUILT ENCLOSED AREA  
1953 1,620 SF

PROPERTY LAND AREA  
2.20 AC

COUNTY  
USE  
04

PRESS: <F1> OWNER INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO  
<F6> SELECT NEXT PROPERTY

NOTE: ACCURACY OF APPARENT  
SETBACK DISTANCES ARE 1'±



#### REFERENCE:

PROPERTY DESCRIBED IN A DEED  
DATED: APRIL 16, 1953 AND RECORDED  
AMONG THE LAND RECORDS OF BALTO.  
CO. MD. IN DEED LIBER 2282 PAGE 543

- NOTE: (A) THIS PLAT IS NOT INTENDED FOR USE IN ESTABLISHING  
PROPERTY LINES AND DOES NOT CONSTITUTE A  
BOUNDARY SURVEY.
- (B) THIS PLAT IS OF BENEFIT TO THE CONSUMER ONLY -  
INSOFAR AS IT IS REQUIRED BY A LENDER OR A TITLE  
INSURANCE COMPANY OR ITS AGENT IN CONNCTION  
WITH CONTEMPLATED TRANSFER, FINANCING OR RE-  
FINANCING.
- (C) THIS PLAT SHOULD NOT BE RELIED UPON FOR THE  
ESTABLISHMENT OR LOCATION OF FENCES, GARAGES,  
BUILDINGS OR OTHER EXISTING OR FUTURE  
IMPROVEMENTS.

THIS IS TO CERTIFY THAT WE HAVE LOCATED THE  
IMPROVEMENTS AS SHOWN ACCORDING TO THE  
REGULATIONS GOVERNING THE MARYLAND STANDARDS  
OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS;  
EFFECTIVE DATE MARCH 1, 1995.

NOTE: THIS PROPERTY DOES NOT LIE WITHIN  
THE LIMITS OF A FLOOD HAZARD AREA  
AS DELINEATED ON THE MAPS OF THE  
NATIONAL FLOOD INSURANCE PROGRAM.  
MAP NUMBER: 240010 0360 B

*Leonard T. Bohager* 6-14-00  
REGISTERED NO. 10859 DATE



W. DUVALL & ASSOCIATES, INC.  
ENGINEERS . SURVEYORS . LAND PLANNERS  
530 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204  
(410) 583-9571

LOCATION CERTIFICATION OF  
2912 N. ROLLING ROAD

2<sup>ND</sup> ELEC. DIST. BALTO. CO., MD.

SCALE: 1" = 100' JUNE 13, 2000

L.C. #3555



**PROPERTY KNOWN AS  
2914 NORTH ROLLING ROAD**

M.D.A.T. REAL PROPERTY SYSTEM  
BALTIMORE COUNTY

06/14/2001

OWNER INFORMATION

DISTRICT: 02 ACCT NO: 0212200310

USE: RESIDENTIAL

OWNER NAME: RICHARDSON EVANGELINE

PRINCIPAL  
RESIDENCE  
YES

MAILING ADDRESS: 2914 N ROLLING RD  
BALTIMORE

MD 21244-2018

TRANSFERRED

FROM: SWEITZER RALPH L

DATE: 12/31/1996 PRICE: \$185,000

DEED REFERENCE: 1) /11963/ 616  
2)

SPECIAL TAX RECAPTURE

\* NONE \*

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO  
<F6> SELECT NEXT PROPERTY

M.D.A.T. REAL PROPERTY SYSTEM  
BALTIMORE COUNTY

06/14/2001

LOCATION INFORMATION

DISTRICT: 02 ACCT NO: 0212200310

NAME: RICHARDSON EVANGELINE

USE: RESIDENTIAL

PREMISES ADDRESS  
2914 N ROLLING RD

ZONING

LEGAL DESCRIPTION  
RER 550 FT  
2914 N ROLLING RD  
2180FT S WINDSOR MILL RD

MAP	GRID	PARCEL	SUBDIV	SECT	BLOCK	LOT	GROUP
87	11	252					80

PLAT NO :  
PLAT REF:

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA	
YEAR BUILT	ENCLOSED AREA
1953	2,044 SF

PROPERTY LAND AREA
1.80 AC

COUNTY
USE
04

PRESS: <F1> OWNER INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO  
<F6> SELECT NEXT PROPERTY

borrower copy

**SURVEYOR'S CERTIFICATE:**

1. This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing.
2. This plat is NOT to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
3. This plat does NOT provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.
4. This is to certify that we have surveyed this property for the purpose of locating the improvements and that they are located as shown hereon within the tolerances specified below. This survey did NOT include the marking of property corners with permanent markers.
5. This plat is for title purposes only. No title report is being furnished.
6. FLOOD DESIGNATION BY FEDERAL FLOOD INSURANCE RATE MAP PANEL 360 OF 515.

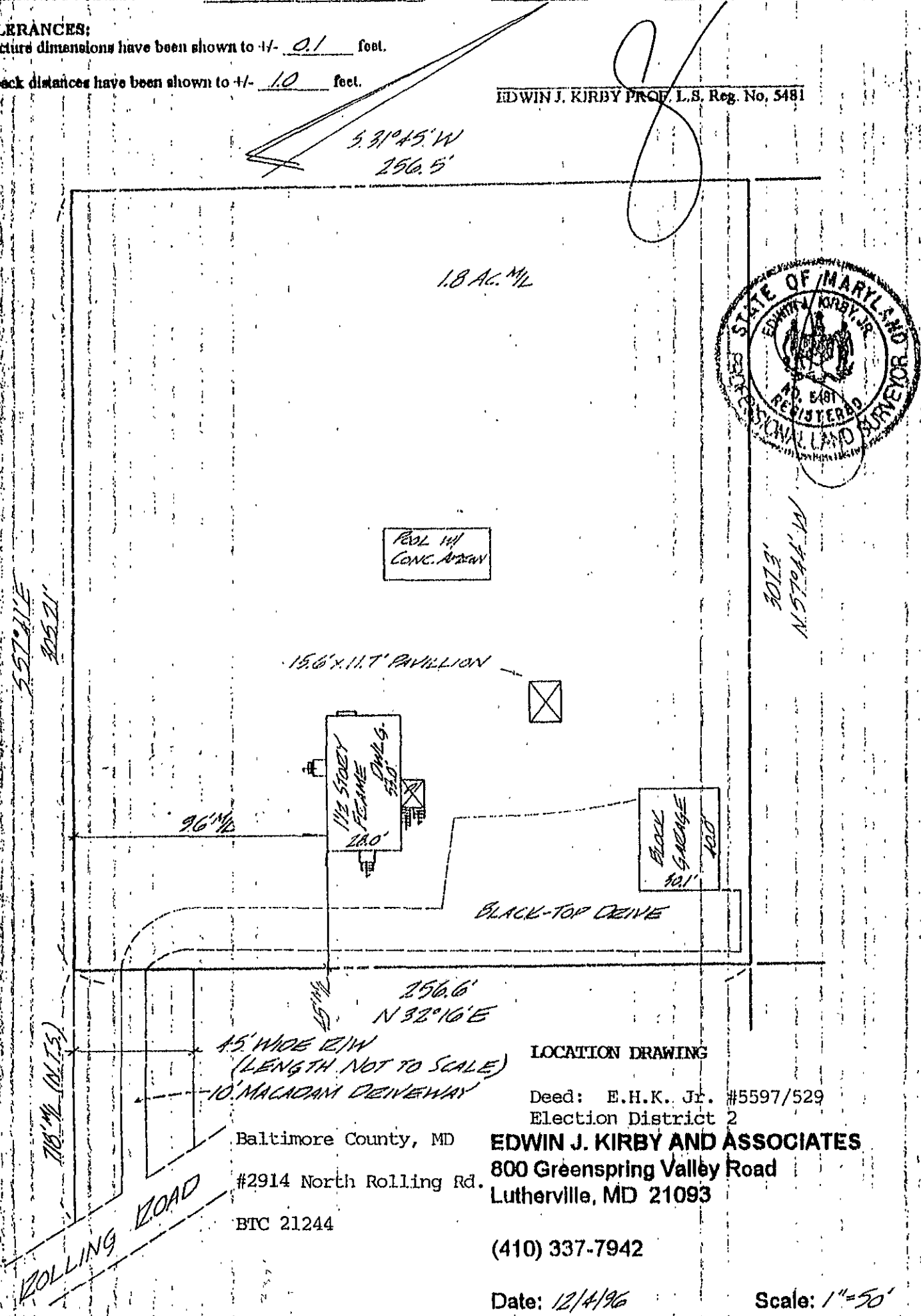
COMMUNITY PANEL NUMBER 240010-03608, DATED 3/2/81, IS ZONE C.

**TOLERANCES:**

Structure dimensions have been shown to +/- 0.1 feet.

Setback distances have been shown to +/- 1.0 feet.

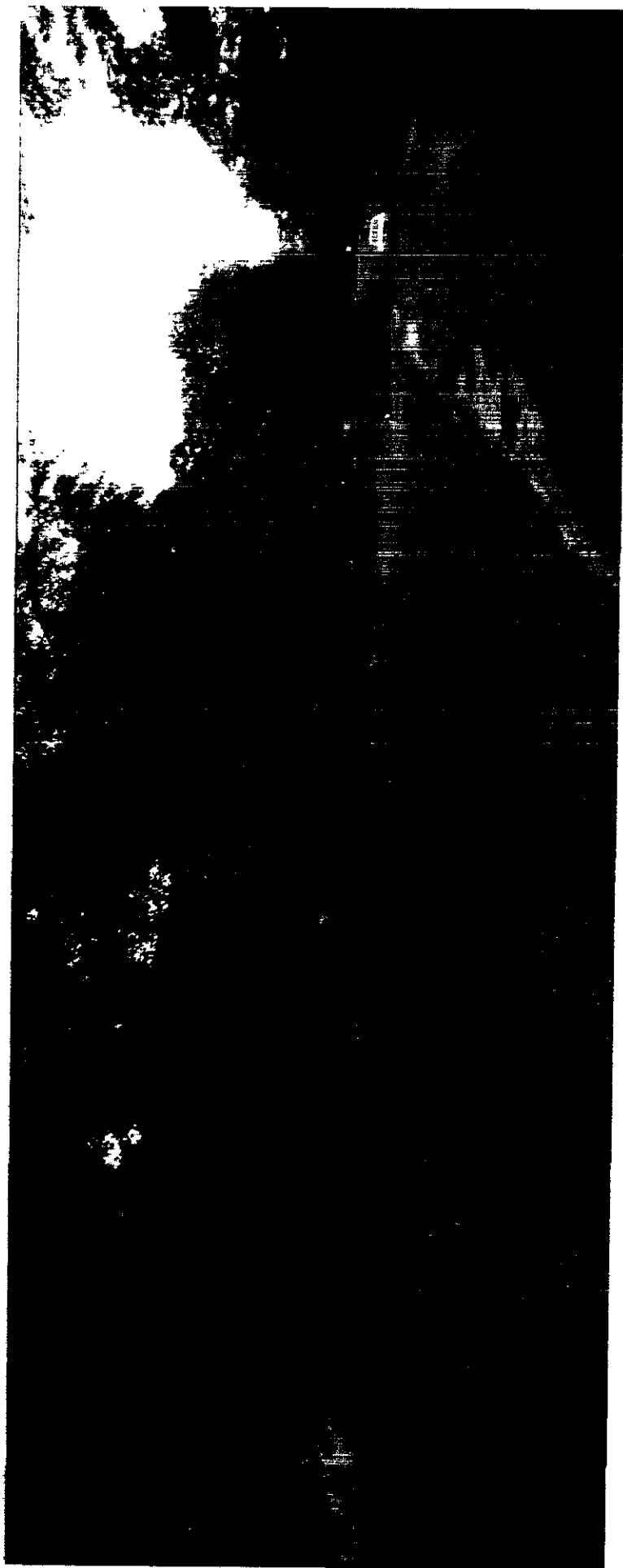
EDWIN J. KIRBY PRAC. L.S. Reg. No. 5481



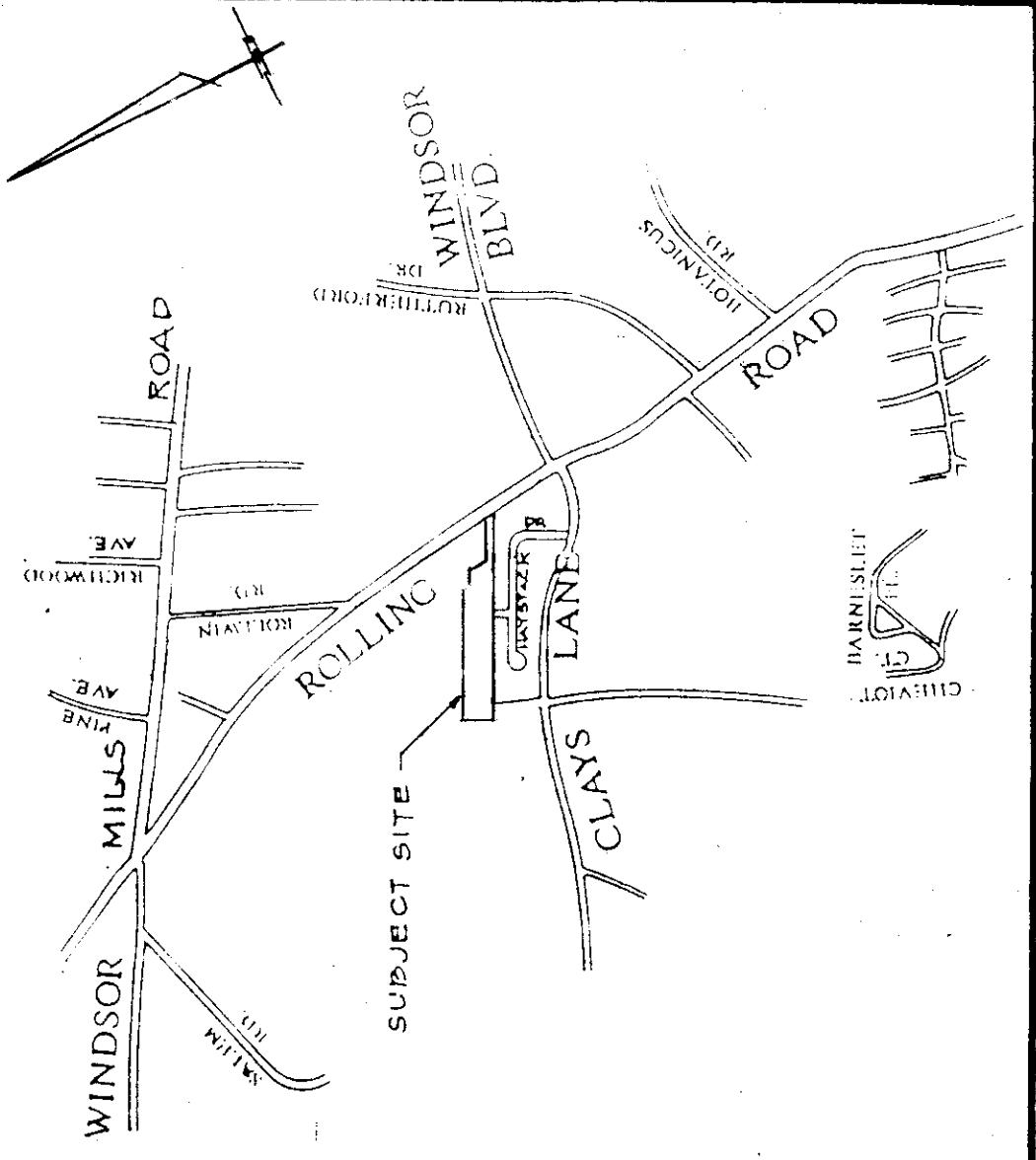


FENCED POOL AREA





**PRIVATE ROAD LOOKING OUT**

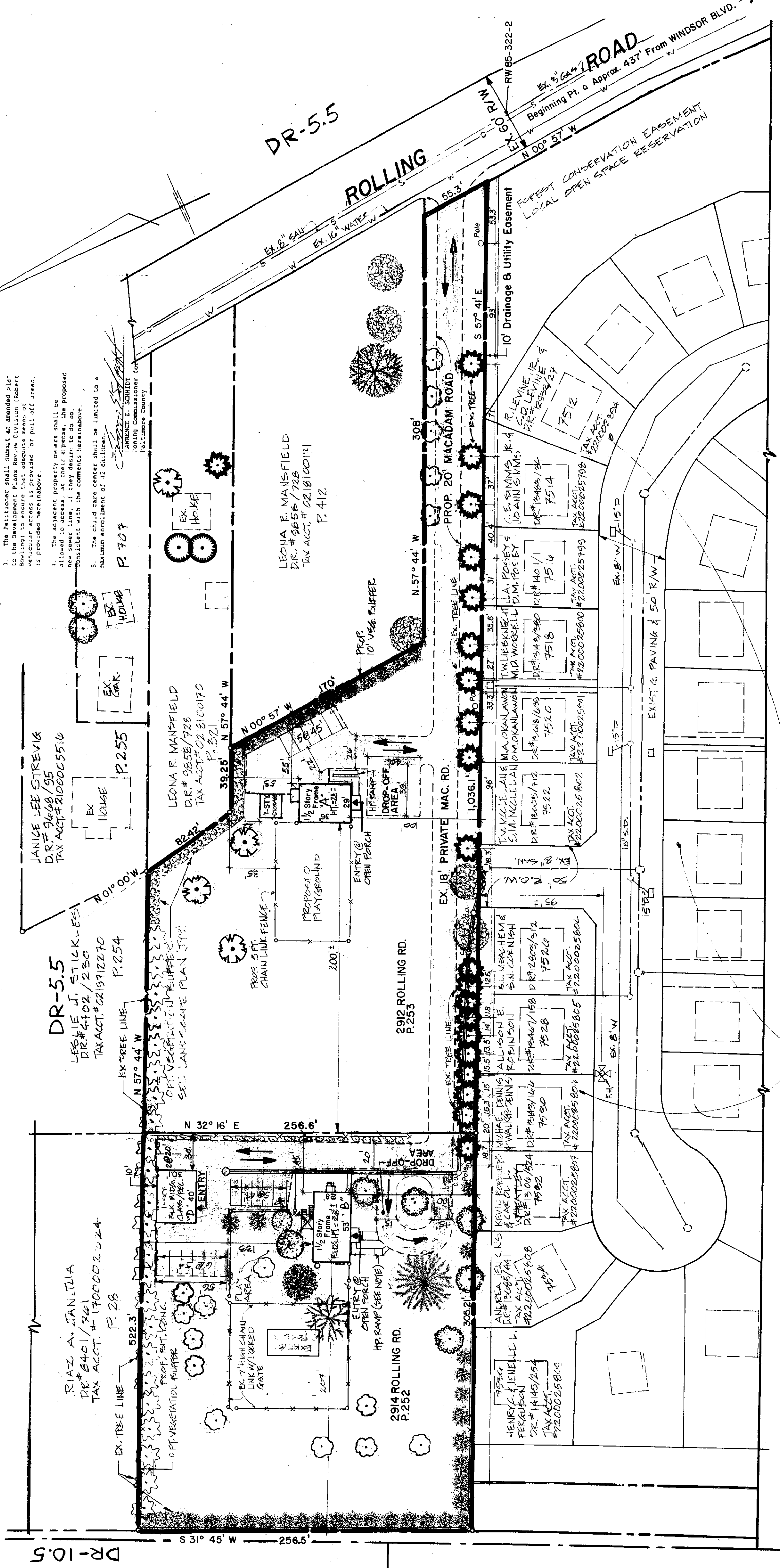


LOCATION PLAN  
SCALE 1"=1000'

**INTERIORS AREA CALCULATIONS**  
TOTAL LOT AREA = 174,240 SQ. FT.  
TOTAL COVERAGE = 2,540 SQ. FT.  
TOTAL AMOUNT OF IMPERVIOUS SURFACE: 4540/174,240 = 2.55%

**BULK STANDARDS CALCULATIONS**  
TOTAL CHILDREN - 40  
LESS - 40  
EXCESS CHILDREN - 0 @ 500 SQ. FT. = 20,000 SQ. FT.  
PROPOSED PROPERTY = 4 ACRES  
LESS 1 ACRE  
BALANCE = 3 ACRES  
BALANCE X 43,500 SQ. FT. = 130,680 SQ. FT.  
130,680 SQ. FT.  
20,000 SQ. FT.  
SURPLUS 110,680 SQ. FT.  
\* REQUIREMENT MET ADEQUATE CHILD/SPACE RATIO.

\*This SPECIAL EXCEPTION has expired  
Variance to be retained



- NOTE:
1. HANDICAP RAMP APPROVED UNDER BUILDING PERMIT NO. B458438 & B458439.
  2. ALL PARKING AND DRIVEWAYS WILL BE DURABLE, DUSTLESS, AND PERMANENTLY STRIPPED.
  3. ALL SIGNS WILL COMPLY WITH SECTION 4508C2R

ALL ZONED DR-5.5

Special Hearing:  
To confirm to previous Variances approved in Case No. 98-78-XA.  
To establish that Petitioner is not in conflict with having one childcare center adjacent to another pursuant to BCZR 424.1c.  
The 1-Story Garage is permitted as an accessory structure pursuant to BCZR Section 400.



THE BUILDING BLOCK  
CHILD DEVELOPMENT CENTER  
2912-14 N. ROLLING RD.

# SITE PLAN

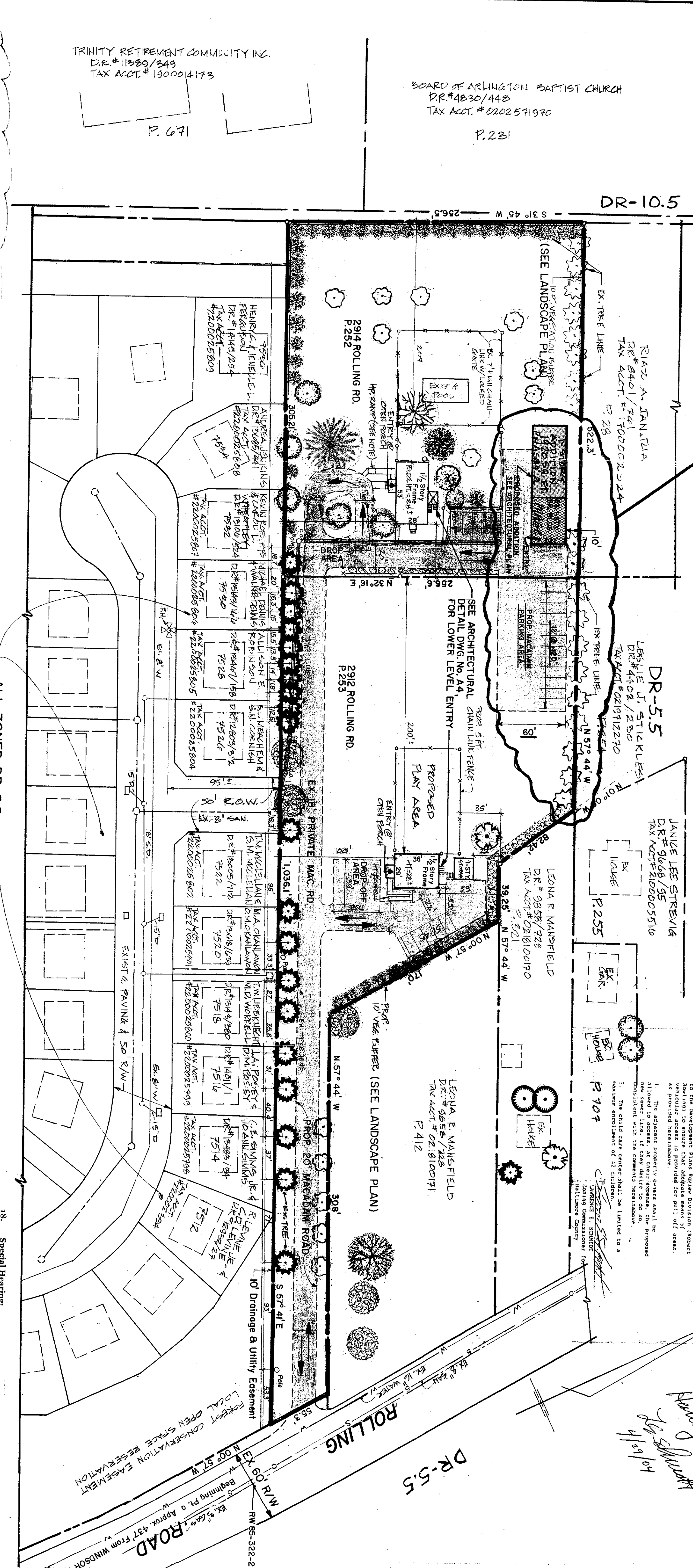
PLAT TO ACCOMPANY REQUEST FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE FOR CLASS "B" GROUP CHILD CARE CENTER  
SCALE 1"=50'



TOTAL LOT AREA = 134,240 SQ. FT.  
 TOTAL COVERAGE = ~~44,000~~ 43,040<sup>sq</sup> + 19,320<sup>sq</sup> = 62,224 SQ. FT.  
 TOTAL AMOUNT OF INTERIORS SURFACE: ~~44,000~~ 43,040 + 19,320 = 62,224 / 174,240<sup>sq</sup> = 3.6%

EXPENSE STANDARDS CALCULATIONS  
 TOTAL CHILDREN - ~~20~~ 125  
 LESS - 40 40  
 ACCESS CHILDREN - 40 @ 500 SQ. FT. = 20,000 SQ. FT. 85 @ 500<sup>sq</sup> = 42,500 SQ. FT.  
 FURNISHED FURNITURE = 4 ACRES  
 LESS  
 ACRES  
 3 ACRES x 43,560 SQ. FT. = 130,680 SQ. FT.  
 130,680 SQ. FT. 130,680<sup>sq</sup>  
~~42,500~~ 42,500  
 SURFACES 130,680 SQ. FT. 86,180 SQ. FT.  
 \* REQUIREMENT MET ADEQUATE CHILD / SPACE SATID.

**\*This SPECIAL EXCEPTION has expired**  
Variance to be retained



**\*\* Special Note:** Case #02-384-SPHXA was heard by Commissioner Lawrence Schmidt on May 6, 2002. Verbal Approval was given granting all requested Variances and Special Exception for Class B Group Child Care Center in DR-3.5 Zone for 80 children for the combined properties of 2912 and 2914 N. Rolling Road as a Single Use. Written

To confirm to previous Variances approved in Case No. 98-78-XA.

To establish that Petitioner is not in conflict with having one childcare center adjacent to another pursuant to BCZR 424.1c.

The Story Garage is permitted as an accessory structure pursuant to BCZR Section 400.

**DEW  
DESIGN**  
Architectural Specialist

*Donna E. Waddy*  
Senior Consultant

REVISIONS			
NO.	DESCRIPTION	DATE	BY

1. **PROPERTY LOCATION:**  
Rolling Road between Windsor Mills Road to the North and Clays Lane to the south.
2. **EXISTING STREET ADDRESS:**  
2912 & 2914 North Rolling Road  
Baltimore County, MD 21244
3. **OWNERSHIP:**

- |                 |   |
|-----------------|---|
| 1.              | Jewel Y. Granitzky<br>4237 Nadine Drive<br>Baltimore, MD 21215  |
| (2)             | Ernestine, Richardson<br>1944 Woodshade Court<br>Mithelcoteville, MD 20721  |
| 4.              | DEED REFERENCES:<br><br>(1) #1458/014<br>(2) #597/599   |
| 5.              | TAX MAP:<br><br>Map 87, Grid 11   |
| 6.              | ZONING: Map #NY, 4G Zoning, DR - 5.5  |
| 7.              | COUNCILMANIC DISTRICT: 1  |
| 8.              | ELECTION DISTRICT: 2  |
| 9.              | CENSUS TRACT: 4024.01   |
| 10.             | AREA AND COVERAGE CRITERIA:<br><br>Maximum lot coverage allowed - N/A<br>A. 2932 N. Rolling Road<br>B. 2914 N. Rolling Road |
| Existing Lot A. | 161 Acre  |
| Existing Lot B. | 95.832 Sq. Ft.<br>78,408  |
|                 | 174,240 Sq. Ft.   |
|                 | Coverage  |
|                 | 1,660 Sq. Ft.<br>2,684 +  |
|                 | 6,124 Sq. Ft.   |

**THE BUILDING BLOCK  
CHILD DEVELOPMENT CENTER  
2912 - 14 N. ROLLING RD.  
SITE PLAN**

NON-PUBLIC SCHOOL  
CLASS: B' GROUP CHILD CARE CENTER  
SCALE: 1" = 50' - 0"  
DATE: MARCH, 2005





